



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,758	01/23/2002	John Sidney Stewart	PU020021	7320
<div>7590 07/13/2007 JOSEPH S. TRIPOLI THOMSON MULTIMEDIA LICENSING INC. 2 INDEPENDENCE WAY P.O. BOX 5312 PRINCETON, NJ 08543-5312</div>			<div>EXAMINER SHANG, ANNAN Q</div>	
			<div>ART UNIT 2623</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 07/13/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/055,758

Applicant(s)

STEWART, JOHN SIDNEY

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,8-12,15,16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8-12,15,16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/02/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, 8-12, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Arsenault et al (6,701,528)** in view of **Yoshizawa et al. (6002694)**.

Claims 1 and 11, **Arsenault** discloses a method/system for providing multimedia presentations on demand in a near on demand environment, comprising:

(Control Center/Uplink 'CC' 102/104) Providing beginning segments for pre-recording by subscribers (IRD-200) where each beginning segment corresponds to ones of a plurality of multimedia presentations, each beginning segment having a duration at least as long as a predetermined time interval (figs.5-8, col.9, line 46-col.10, line 21, col.11, line 23-col.12, line 7 and col.17, line 30-col.18, line 5); and,

(CC 102/104) Transmitting each one of said plurality of multimedia presentations concurrently on a plurality of channels with identical presentations transmitted on a different channel of said plurality of channels, and with a start time of each transmission having a periodic interval not exceeding said predetermined time interval (col.9, line 46-col.10, line 21, col.11, line 23-col.12, line 7 and col.17, line 30-col.18, line 5).

Responding to a subscriber request for performance of a selected one of said plurality of multimedia presentations by providing said subscriber an authorization to commence playback of one of said beginning segments corresponding to said selected one of said plurality of multimedia presentations, said authorization comprises at least one of an authorization to commence recording said selected one of said plurality of multimedia presentations for which broadcast has already begun, and to commence playback of said corresponding one of said beginning segments (col.9, line 46-col.10, line 21, col.11, line 23-col.12, line 7 and col.17, line 30-col.18, line 5),

Arsenault is silent to preventing playback of the recording of the selected one of the plurality of multimedia presentations upon completion of the presentation

However, **Yoshizawa** discloses preventing playback of said recording of said selected one of the plurality of multimedia presentations upon completion of said presentation (upon completion reads on "end" of viewing/re\-viewing within a specific time; outside of the specific time, the viewer is not able to view of re-view unless the viewer pay for the request; Col. 5, lines 46-53); Yoshizawa discloses the use of a descrambling code key for descrambling the requested scrambling media (Col. 8, lines 41-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault with the teaching of Yoshizawa for providing an interactive, chargeable billing system while preventing infringement of copyright of video content, as suggested by Yoshizawa (Col. 3, lines 25-30; Col. 4, lines 15-21).

As to claims 2 and 12, Arsenault further discloses the step of providing the subscribers with a menu of the plurality of multimedia presentations (col.2, lines 8-21 and col.7, lines 30-40),

As to claims 5 and 15, Arsenault further discloses where the authorization comprises a descrambling code key for descrambling the selected one of the plurality of multimedia presentations and said corresponding one of said beginning segments (col.9, lines 13-45, col.10, line 7-col.11, line 6 and col.17, line 24-col.18, line 5).

As to claims 6 and 16, Arsenault further discloses wherein the authorization comprises an access code for accessing a channel over which the selected one of the plurality of multimedia presentations is transmitted (col.9, lines 13-45, col.10, line 7-col.11, line 6 and col.17, line 24-col.18, line 5).

As to claims 8 and 18, Arsenault further discloses generating a billing code responsive to the subscriber request for the selected one of plurality of multimedia presentations (col.9, lines 13-45, col.10, line 7-col.11, line 6 and col.17, line 24-col.18, line 5).

As to claim 9, Arsenault further discloses recording each said beginning segment provided to the subscriber automatically, responsive to the subscriber's initial activation of a multimedia system (col.9, line 46-col.10, line 21, col.11, line 23-col.12, line 7 and col.17, line 30-col.18, line 5).

As to claim 10, Arsenault further discloses periodically replacing ones of said beginning segments with new beginning segments corresponding further multimedia

presentations (col.9, line 46-col.10, line 21, col.11, line 23-col.12, line 7 and col.17, line 30-col.18, line 5).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 2, 5, 6, 8-12, 15, 16 and 18 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed above.

This office action is made final.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ullrich et al (5,583,937) disclose method for providing video programming nearly on demand.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2623

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized flourish at the end.

Annan Q. Shang